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RESPONSE UNDER 37 C.F.R.
§ 1.116 EXPEDITED PROCEDURE
EXAMINING GROUP 3723
PATENTSIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Jahangir S. Rastegar et al.	Examiner:	Hadi Shakeri
Serial No:	10/658,949	Art Unit:	3723
Filed:	September 10, 2003	Docket:	10002Z
For:	MANUALLY OPERATED IMPACT TOOL	Dated:	March 31, 2005

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 CFR § 1.116

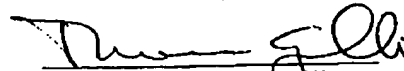
Sir:

In response to the Official Action dated December 1, 2004, Applicants respectfully request reconsideration of the above-identified application in light of the following amendments and remarks:

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being Facsimile transmitted to the United States Patent and Trademark Office at (703) 872-9306 on March 31, 2005.

Dated: March 31, 2005


Thomas Spinelli

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MAR 31 2005

OMNITEK Partners, LLC

FACSIMILE COVER SHEET

TO: Examiner Hadi Shakeri
Group 3723

DATE: March 31, 2005

FROM: Thomas Spinelli
Reg. No. 39,533

PAGES: 11

FAX NO: 703 872-9306

RE: S/N 10/658,949
Filed 09/10/2003

The following are being facsimile transmitted to the United States Patent and Trademark Office on March 31, 2005:

Transmittal Form PTO/SB/21
Response to Office Action Dated December 1, 2004
Fee Transmittal Form PTO/SB/17
Petition For Extension of Time Form PTO/SB/22
Credit Card Payment Form PTO-2038
Docket No.: 10002Z
By: Jahangir S. Rastegar et al.
Title: MANUALLY OPERATED IMPACT TOOL
March 31, 2005

Applied Technology Center
111 West Main Street
Bayshore, NY 11706
Tel.: (631) 665-4008
Fax: (631) 754-1027

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 10

Application Number 10/658,949

Filing Date September 10, 2003

First Named Inventor Jahangir S. Rastegar et al.

Art Unit 3723

Examiner Name Hadi Shakeri

Attorney Docket Number 100022

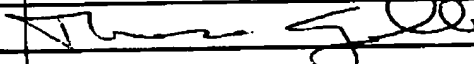
ENCLOSURES (Check all that apply)☒ Fee Transmittal Form☒ Fee Attached☒ Amendment/Reply☒ After Final☐ Affidavits/declaration(s)☒ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/Incomplete Application☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation☐ Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below):

Credit Card Payment Form PTO-2038

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Omnitek Partners LLC

Signature 

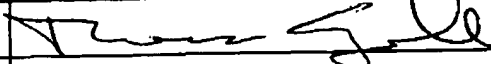
Printed name Thomas Spinelli

Date March 31, 2005

Reg. No. 39,533

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature 

Typed or printed name Thomas Spinelli

Date March 31, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL
For FY 2005**☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 60.00

Complete if Known

Application Number	10/658,949
Filing Date	September 10, 2003
First Named Inventor	Jahangir S. Rastegar et al.,
Examiner Name	Hadi Shakeri
Art Unit	3723
Attorney Docket No.	10002Z

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1 Month Extension of Time Fee

60.00

SUBMITTED BY		Registration No. 39,533	Telephone 631 807-9747
Signature		(Attorney/Agent)	Date March 31, 2005
Name (Print/Type)	Thomas Spinelli		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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